

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 24-20037-CV-MARTINEZ

GOPRO, INC.,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS, LIMITED LIABILITY COMPANIES, PARTNERSHIPS, AND UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE A,

Defendants.

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PLAINTIFF'S MOTION TO FILE UNDER SEAL

Plaintiff GOPRO, INC. ("Plaintiff"), by and through its undersigned counsel and pursuant to S.D. Fla. L.R. 5.4(b)(1), respectfully moves for an order allowing Plaintiff to file under seal Schedule A to Plaintiff's Complaint, which identifies the Defendants to the above-styled action, and in support thereof respectfully refers the Court to the following Memorandum of Law.

MEMORANDUM OF LAW

Good cause exists for the requested order. Plaintiff has learned that Defendants are engaging in the promotion, advertisement, distribution, offering for sale, and sale of goods bearing copies of Plaintiff's copyrights and/or trademarks within this district, without authorization through various internet-based e-commerce stores. Defendants' infringing activities are causing irreparable injury to Plaintiff and causing an overall degradation of the reputation associated with Plaintiff's copyrights and trademarks. Accordingly, Plaintiff is seeking *ex parte* relief in this action.

Temporarily sealing these portions of the file is necessary to prevent the Defendants from learning of these proceedings prior to the execution of a temporary restraining order. If

Defendants were to learn of these proceedings prematurely the likely result would be the destruction of relevant documentary evidence and the hiding or transferring of assets to foreign jurisdictions, which would frustrate the purpose of the underlying law and would interfere with this Court's power to grant relief. *See Dell Inc. v. BelgiumDomains, LLC*, Case No. 07-22674, 2007 U.S. Dist. LEXIS 98676, at *19 (S.D. Fla. Nov. 21, 2007) (granting motion to seal where the defendants, who operate their counterfeiting business electronically, "will likely destroy evidence or move it out of the jurisdiction" if provided with advance notice of the plaintiff's filings). Once a temporary restraining order has been served on the relevant parties and the requested actions are taken, Plaintiff will move to unseal this document.

As Defendants engage in illegal trademark counterfeiting activities and copyright infringement, Plaintiff has no reason to believe Defendants will make their assets available for or will adhere to the authority of this Court any more than they have adhered to federal trademark and copyright laws.

WHEREFORE, Plaintiff respectfully requests that Schedule A to Plaintiff's Complaint remain under seal until the Court has the opportunity to rule on Plaintiff's request for temporary *ex parte* relief and, if granted, the relief ordered therein has been effectuated. At that time, all pleadings and orders, will be made available to Defendants.

Dated: January 5, 2024

Respectfully submitted,

/s/ Rossana Baeza

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